

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID STEVEN DAHLER,

Plaintiff,

v.

C. HOLINKA, Warden FCI Oxford,
WEBER, Case Manager FCI Oxford,
MICHAEL K. NALLEY, Regional
Director Federal Bureau of Prisons and
HARRELL WATTS, Administrator National
Inmate Appeals Federal Bureau of Prisons,

Defendants.

ORDER

11-cv-97-bbc

In an order dated March 3, 2011, I directed plaintiff David Dahler to inform the court whether he wished his pleading be treated as a petition for a writ of habeas corpus or as a civil action. I advised plaintiff that if he wanted to proceed with a civil lawsuit he would be required to submit an initial partial payment towards the \$350 filing fee and that I would apply the \$5 fee he submitted with his original pleading toward that amount.

Now plaintiff has filed a response to the July 13 order stating that he wants to proceed with this case under the Administrative Procedure Act. In addition plaintiff has

submitted an application to proceed in forma pauperis and a copy of his six-month trust fund account statement. From the trust fund account statement plaintiff has submitted, I calculate his initial partial payment to be \$13.69. Subtracting the \$5 payment already received, plaintiff owes an additional \$8.69 towards the \$350 filing fee.

Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send plaintiff's initial partial payment to this court. Also, plaintiff is reminded of his obligation to pay the remainder of the fee in monthly installments.

ORDER

IT IS ORDERED that plaintiff is assessed \$8.69 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$8.69 on or before April 4, 2011. If, by April 4, 2011, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 14th day of March, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge